

Chapter 208

PEACE AND GOOD ORDER

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[HISTORY: Adopted by the Borough Council of the Borough of Beech Creek as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Firearms and Weapons

[Adopted 9-6-1977 by Ord. No. 64 (Ch. VI, Part 4, of the 1978 Code of Ordinances)]

§ 208-1. Discharge of firearms restricted.

Except in necessary defense of person and property and except as provided in § 208-3 of this article, it shall be unlawful, within the Borough of Beech Creek, for any person to use, fire, or discharge any gun or other firearm.

§ 208-2. Use of air rifles, bow and arrow, or similar devices. [Amended 7-3-2012]

It shall be unlawful for any person to discharge any air rifle, air pistol, spring gun, spring pistol, B-B gun, bow and arrow, or similar device, or any implement that is not a firearm but which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm, at any place within the Borough of Beech Creek, except as provided in § 208-3 of this article, and except on a target range exclusively for bow and arrow use which is properly constructed to trap or stop the arrows from exiting the property upon which the target range is located.

§ 208-3. Exception.

Nothing in this article shall be deemed to prohibit the proper use of firearms, bows and arrows, or similar devices where their lawful use is permitted in hunting as provided for by

the Pennsylvania Game Law¹ and by the rules and regulations of the Pennsylvania Game Commission.

§ 208-4. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Clinton County.

ARTICLE II

Noise Violations

[Adopted 4-2-2019 by Ord. No. 2019-01]

§ 208-5. Definitions.

The following words, as used in this article, shall have the meanings hereby ascribed thereto:

NUISANCE — Any use of property, or conduct, or activity, or condition upon property within the Borough of Beech Creek which shall cause or result in noise creating annoyance or discomfort beyond the boundaries of such property which disturbs a reasonable person of normal sensitivities, taking into consideration the location of the use or condition and the nature and condition of the surrounding neighborhood. Specifically, the word "nuisance" shall include, but shall not be limited to, the following:

- A. Operating or permitting the operation of or playing of radios, television sets, amplifiers, musical instruments and other sound devices which produces or amplifies sound which annoys a reasonable person of normal sensitivities.
- B. Operation of mechanically powered lawn mowers or garden tools, tractors, power tools, chainsaws, construction equipment and vehicles, or similar devices within 150 feet of a residential use, between the hours of 10:00 p.m. and 6:30 a.m. the following day, which annoys or disturbs a reasonable person of normal sensitivities.
- C. Owning, possessing, controlling, or harboring any animal or fowl which barks, bays, cries, squawks or makes any other such noise continuously and or intermittently for a period of 30 minutes or more, which annoys or disturbs a reasonable person of normal sensitivities. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**

1. Editor's Note: See 34 Pa.C.S.A. § 101 et seq.

- D. Operating or permitting the operation of any public or private motor vehicle or motorcycle or any equipment attached to such a vehicle on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle or any equipment attached to such vehicle exceeds the level set forth in Title 67, Chapter 157, of the Pennsylvania Department of Transportation Regulations, "Established Sound Levels," promulgated under Section 4523 of the Pennsylvania Vehicle Code.²
- E. Operating or permitting the operation of any motor vehicle or motorcycle or any auxiliary equipment attached to such vehicle for a period of longer than 15 minutes in any hour while the vehicle is stationary for reasons other than traffic congestion within 150 feet of a residential area.

PERSON — Any natural person, partnership, association, firm, limited liability company, corporation, or similar entity:

§ 208-6. Unlawful to create or maintain nuisances.

It shall be unlawful for any person to create, continue, cause maintain or permit to exist any nuisance within the Borough of Beech Creek.

§ 208-7. Exemptions.

- A. The provisions of this article shall not apply to the emission of noise for the purpose of alerting persons to the existence of an emergency or to the emission of noise resulting from the performance of emergency work.
- B. The provisions of this article shall not apply to the emission of sound resulting from the construction, maintenance, repair, replacement or improvement of any municipal or utility installation in or about the public right-of-way.

§ 208-8. Removal or abatement of noise; enforcement.

Any person who shall create, continue, cause, maintain or permit to exist any nuisance at any place within the Borough of Beech Creek, shall after order from the Borough Council or a designated representative, including the Mayor of Beech Creek Borough, remove or abate such nuisance. If such person shall fail, neglect, or refuse to abate such nuisance as ordered, the Council of Beech Creek Borough shall have the authority in person or by its agents and or employees to cite such person for a violation of this article and or to remove or abate such nuisance.

§ 208-9. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a

2. Editor's Note: See 67 Pa. Code § 157.1 et seq., and 75 Pa.C.S.A. § 4523, respectively.

summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Clinton County.